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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the combined fifteenth to twenty-second periodic reports of Mali*

General information

1. Please provide information on any significant developments in the legal and institutional framework through which human rights, and in particular those covered by the Convention, are promoted and protected at the national level. Please indicate how the Committee's previous concluding observations have been taken into account in realizing these developments.

2. Please provide information on the progress made in the implementation of the Agreement on Peace and Reconciliation in Mali, concluded in Algiers in 2015 between the State party and the armed groups. Please also provide information on the charter for peace and national reconciliation and its implementation. Please indicate whether the State party has established the international commission of inquiry provided for in article 46 of the Agreement on Peace and Reconciliation, and provide information on the implementation of the transitional justice policy and plan of action for 2017–2021, adopted on 22 December 2016. Please report on the progress made by the State party in combating impunity for human rights violations committed in the context of the conflict in northern Mali. In this connection, please also provide information on the Truth, Justice and Reconciliation Commission established by Order No. 2014-003/P-RM of 15 January 2014, in particular its composition, mandate and authority, the human and financial resources allocated for its operation, and the results of the midterm review of its activities.

3. Please provide information on the status of the Convention in the domestic legal order and state whether it can be directly invoked in domestic courts. Please also provide information on measures taken to increase the visibility of the Convention among the population and to raise awareness of the rights and protection to which individuals are entitled under the Convention.

4. Please provide updated information on the ethnic composition of the State party's population, including non-citizens such as asylum seekers, refugees, stateless persons and migrants. Please clarify whether there are groups that are officially considered to be national or ethnic minorities or indigenous peoples in the State party and, if so, which groups, taking into account the Committee's general recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention and general recommendation No. 24 (1999) concerning article 1 of the Convention.

* Adopted by the Committee at its ninety-fourth session (20 November–8 December 2017).

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Article 1

5. Please provide information on:

(a) Whether the State party intends to incorporate into article 32 of its Constitution, on equality and non-discrimination, the elements of "colour" and "national or ethnic origin" provided for in article 1 of the Convention;

(b) Whether other legislation of the State party contains a definition of racial discrimination that is fully in line with article 1 of the Convention;

(c) Whether both direct and indirect discrimination are, or will be, included in the definition of racial discrimination in domestic law;

(d) The extent to which domestic laws provide for differential treatment based on citizenship or immigration status and the compliance of any such differentiation with article 1 (2) and (3) of the Convention; and

(e) The extent to which the State party's legislation allows or provides for special measures to reduce sociocultural inequalities between those living in rural areas and the rest of the population and to ensure the access of certain ethnic groups to development and a more equal distribution of wealth among the different groups living in the territory of the State party.

Article 2

6. Please provide updated information on the legal framework and the policies in place to eliminate racial discrimination and to give effect to the provisions of article 2 (1) and (2) of the Convention.

7. Please provide information on the National Human Rights Commission established by Act No. 2016-036 of 7 July 2016, in particular on the human and financial resources necessary for its operation. Please also provide information on the measures taken to apply for A status accreditation of the Commission by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In addition, please provide information on the mandate of the Office of the Ombudsman with regard to protection against racial discrimination and on the resources allocated for the operations of that Office.

8. Please indicate the measures taken to prevent acts of intercommunal violence (in particular between Fulani and Bambara; Fulani and Dogon; Songhai and Arabs; and Tuaregs) and intracommunal violence (between Ifoghas and Imouchag), which have occurred repeatedly in northern Mali. Please indicate whether, beyond ad hoc initiatives, the State party has adopted or intends to adopt a strategy for settling these disputes in a sustainable manner. Please provide information on the measures taken by the State party to investigate such acts of violence, prosecute and punish the perpetrators and compensate the victims.

Article 3

9. Please provide information on the measures taken to eliminate descent-based discrimination, including through the caste system, bearing in mind the Committee's general recommendation No. 19 (1995) on article 3 of the Convention. Please also provide information on the measures taken to protect certain ethnic groups, in particular the black Tuareg community still referred to as "Bellah" and other communities, from slavery-like practices and servitude. Please indicate the measures taken to facilitate the submission of complaints, and inform the Committee of the investigations conducted, the cases prosecuted and the penalties imposed on perpetrators, and also the reparations awarded to victims and the protection measures available, including protection against reprisals. Please also indicate whether the State party has adopted or intends to adopt a strategy to combat such

practices, and inform the Committee of any public awareness campaigns carried out on this topic. Please indicate when the State party intends to adopt the bill against slavery and similar practices that was drafted in 2016.

Article 4

10. Please provide information on the legislative or other measures taken to:

(a) Criminalize all dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination;

(b) Criminalize all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;

(c) Criminalize the provision of any assistance to racist activities, including the financing thereof;

(d) Prohibit organizations, and organized and all other propaganda activities, which promote and incite racial discrimination, and recognize participation in such organizations or activities as an offence punishable by law;

(e) Ensure that no public authorities or public institutions, national or local, are permitted to promote or incite racial discrimination.

11. Please indicate whether racial motives are considered an aggravating circumstance under domestic penal legislation.

12. Please provide information on decisions taken by national courts and other State institutions regarding acts of racial discrimination, in particular those offences referred to in article 4 of the Convention. Please also provide statistical data, disaggregated by sex, age and ethnic or national origin, on complaints filed inter alia with the police, the National Human Rights Commission and the Ombudsman (with regard to subparagraph (e) above), and on prosecutions launched and sentences handed down for acts prohibited under article 4 of the Convention and on the reparation provided to victims.

Article 5

13. Please provide information on the exercise of the rights enshrined in article 5 of the Convention by members of ethnic groups and by non-citizens, including refugees, asylum seekers and stateless persons, focusing in particular on economic, social and cultural rights, including access to social services. Please also provide information on the measures taken to ensure access to education and health services in northern Mali, where certain ethnic groups live.

14. In the context of counter-terrorism and the conflict with armed groups, please provide information on the measures taken to prevent, in law and in practice, the risk of racial or ethnic profiling against certain ethnic groups, in particular the Fulani and Tuaregs, and against persons belonging to those groups and suspected of collusion with armed groups.

15. Please provide data, disaggregated by sex and ethnic or national origin, on trafficking in persons in Mali, including children and women, particularly migrant girls, for the purpose of sexual or labour exploitation. Please provide information on the effective implementation of Act No. 2012-027/PM-RM of 12 July 2012 on combating human trafficking and similar practices. In particular, please provide statistical data on reported cases, complaints filed, investigations carried out, cases prosecuted, penalties imposed on perpetrators and reparations awarded to victims. Please inform the Committee of the protection measures available to victims, including shelters and protection against reprisals. Please indicate whether the State party has carried out awareness-raising campaigns against trafficking in persons and, if so, what the results of those campaigns have been. Please provide information on the implementation of the 2015–2017 action plan to combat trafficking in persons and on the National Coordinating Committee on Combating Trafficking in Persons and Similar Practices.

16. Please provide statistical data on refugees, asylum seekers, stateless persons and internally displaced persons. Please provide information on the prevention of racial discrimination, including violence and stigmatization, against persons in these categories, and on their access to economic, social and cultural rights. Please also provide information on the measures taken to find a durable solution for internally displaced persons and to promote the reintegration of such persons and of refugees returning to Mali.

17. Please indicate whether the State party intends to decriminalize irregular migration in the State party. Please provide statistical data, disaggregated by age, sex and nationality, on the number of migrants detained for violations of immigration laws. Please provide information on the legal or other remedies available to migrants who are being expelled from the territory of the State party. Please inform the Committee of the measures taken to ensure that migrants have access, without discrimination, to economic, social and cultural rights, including in the labour market. Please also inform the Committee of the measures taken to promote the reintegration of Malians who have been repatriated from the Central African Republic.

18. Please indicate whether the State party intends to give legal/constitutional recognition to indigenous peoples. If so, please also indicate whether measures have been taken to protect indigenous peoples and guarantee the enjoyment of their economic, social and cultural rights.

Article 6

19. Please provide information on the legislative, judicial, administrative and other measures that give effect to the provisions of article 6 of the Convention. In particular, please provide information on the practice and decisions of courts and other judicial and administrative organs, including the National Human Rights Commission and the Ombudsman, relating to cases of racial discrimination as defined under article 1 of the Convention.

20. Please indicate the measures taken to inform the public of the different remedies available in relation to acts of racial discrimination, to promote the filing of complaints and to ensure prevention of and protection from reprisals against complainants.

21. Please provide information, including examples, on the types of reparation that are considered adequate in domestic law in cases of racial discrimination. Please also provide information on the burden of proof in civil proceedings for cases involving racial discrimination.

Article 7

22. Please provide information on legislative and administrative measures taken to combat prejudices that lead to racial discrimination, including general information on the educational system. Please also provide information on human rights education in schools, including in relation to the principles underpinning the Convention. Please provide information on the human rights training given to law enforcement officers, including training on racial discrimination, and describe the impact of any such training.

23. Please indicate the role of State media in the dissemination of information to combat prejudices that lead to racial discrimination. Please also provide information on action taken to raise awareness among professionals of all media of their particular responsibility to not disseminate prejudices and to avoid reporting incidents involving individual members of groups protected under the Convention in a way that blames such groups as a whole.

24. Please provide information on the measures taken to promote tolerance, understanding and dialogue between different ethnic groups and other groups living in the territory of the State party, including in cases of violence between communities in the northern regions of Mali, and on the results of any such measures.